

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76635

John B & Esther D Williams
3224 Doycron Court
Baltimore MD 21207

8408 Oakleigh Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 4, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove junk, trash and debris from residential property zoned DR 5.5 known as 8408 Oakleigh Road, 21234.

On July 13, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 24, 2010 for removal of trash and debris, remove large pile of debris in front of garage including wood, cardboard, trash, metal, heater, grill, overflowing trash cans. This Citation was issued on July 13, 2010.

B. Photographs in the file of this investment property show a large quantity of household items, junk, trash and debris piled in the driveway in front of the garage of this single-family house. Photographs show some of the items and junk were removed in July 2010, but re-inspection on August 2, 2010 found a large quantity of junk, trash and debris still piled in front of the house, including old lumber, cardboard boxes, plastic bags filled with unknown items, old tires, piled tree branches, and garbage cans full of trash with no lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...")

C. Review of the file shows that this is an investment property. Review of the file shows that there have been multiple code enforcement cases for this property for similar violations in recent years, including a Citation enforced against the current owner in 2009. This Citation will be enforced, and the County will be authorized to correct the violations at the expense of the property owner.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that after August 16, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris from the premises, at the expense of the property owners.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf